



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

## March 13, 2007

### 8:30 A.M. ROLL CALL

Invocation by Councilmember Westerlund

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Presentation of the SPCA Pet of the Month – Councilmember Westerlund - **Presented**

Proclamation of “NOROUZ DAY” – Councilmembers Sterling and Calhoun - **Presented**

Proclamation of “NATIONAL SAFE PLACE WEEK” – Council President Perea - **Presented**

Approve minutes of February 27, 2007, and March 6, 2007

**Action Taken:**    **Approved, as amended**

Councilmember Reports and Comments

**Action Taken:**    **Made**

Approve Agenda

**Action Taken:**    **Approved**

Adopt Consent Calendar

**Action Taken:**    **Adopted**

### **1.    CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. \*    [RESOLUTION – Authorize the Department of Public Utilities to execute an amendment to the long-term Central Valley Project water supply contract and finding such action exempt from review under the California Environmental Quality Act \(CEQA\); authorize the City Manager and Director of Public Utilities to execute the agreement on behalf of the City – Department of Public Utilities](#)  
**Action taken:**    **Resolution No. 2007-87 adopted**
  
- B.    [Adopt Resolution of Intention No. 1056-D to vacate a portion of the Clinton-Terrace Alley east of Blackstone Avenue, and setting the public hearing for April 10, 2007, at 10:15 a.m. \(\*Property located in District 7\*\) – Public Works Department](#)  
**Action taken:**    **Adopted**
  
- C.    [Adopt Resolution of Intention No. 1059-D to vacate a portion of Yale Avenue, west of Weber Avenue, and setting the public hearing for April 10, 2007, at 10:00 a.m. \(\*Property located in District 1\*\) – Public Works Department](#)  
**Action taken:**    **Adopted**
  
- D. \*    [Award a construction contract in the amount of \\$448,790 to Gostanian General Building Corporation for interior office rehabilitation at Fresno Yosemite International Airport \(FYI\) and Airports Administration – Airports Department](#)  
**Action taken:**    **Removed from the agenda**
  
- E. \*    [RESOLUTION – Approve application and acceptance of California State Department of Housing and Community Development Workforce Housing Reward grant funds in the amount of \\$19,000 – Planning and Development Department/Housing Division](#)  
**Action taken:**    **Resolution No. 2007-88 adopted**
  
- F.    [Approve purchase of a 1.02 acre vacant parcel located at 340 N. Van Ness utilizing \\$260,000 in Home Program Funds for the development of mixed income single-family housing – Planning and Development Department/Housing Division](#)  
**Action taken:**    **Approved**

1. **CONSENT CALENDAR CONTINUED**

- G. **RESOLUTION** - Authorize submittal of grant application for California Cultural and Historical Endowment (CCHE) under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 to restore the "Dancing Waters" Fountain – Parks, Recreation and Community Services Department  
**Action taken:** Resolution No. 2007-89 adopted
- H. Removed from agenda
- I. \* Award a contract for \$916,178.67 to Rocky Mountain Welding and fabricating to supply metal refuse and recycling containers as per specifications in bid file – Department of Public Utilities  
**Action taken:** Awarded, as recommended
- J. \* Approve a lease agreement in the amount of \$12,000 per year for a City-owned residential property located at 6379 W. Central Avenue, near the Regional Wastewater Reclamation Facility – Department of Public Utilities  
**Action taken:** Approved
- K. \* Adopt proposed amendment to the FY 2005-2007 Annual Action Plans to program multiple affordable housing projects occurring on N. Echo Avenue, N. Diana Street, N. San Pablo Avenue, California and Maple Avenues, Van Ness and Mildreda Avenues, and delete the Broadway Row, Hotel Fresno and Summerset Homes projects proposed for development – Finance Department/Budget Division  
**Action taken:** Adopted
- L. Amending the Fresno Municipal Code requiring the installation of photo luminescent exit path marking for buildings three (3) stories or more – Fire Department  
**Action taken:** Tabled for one week to allow Fire Chief Bruegman to meet with AIA
1. **RESOLUTION** – Consider and adopt findings regarding local climatic, ecological or topographical conditions that support amending the Uniform Fire Code and Uniform Building Code to require the installation of photo-luminescent exit path marking for buildings with three (3) or more stories  
**Action taken:**
2. \* **BILL NO. B-13 (Intro. 2/27/2007) (For adoption)** – Amending the Fresno Municipal Code, requiring the installation of photo-luminescent exit path marking for buildings three (3) stories or more  
**Action taken:**
- M. **Bill NO. B-22 (Intro. 3/6/07) (For adoption)** – Approving the 2007 Weed Abatement Program  
**Action Taken:** Ordinance No. 2007-22 adopted

**CONTESTED CONSENT CALENDAR**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by William R. Milton to discuss concerns regarding recyclable products  
**Appearance Made**
2. Request approve an appeal to arborist's recommendation to not remove a sycamore tree in front of the home of Ray and Bettye Sullivan – 1636 N. Pacific Ave. (**Property located in District 1**) **Appearance made, with Councilmember Xiong setting a hearing for 3/20/07 at 9:45 a.m.**
- 9:00 A.M. B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.

### **CITY COUNCIL**

- A. [Establishment of Council subcommittee for Citywide street impact fees – Councilmember Westerlund](#)

**Action Taken:** Not approved

9:30 A.M.

[Receive update on regionalization efforts by the Fire Department – Fire Department](#)

**Action Taken:** Received

- a. [Receive update on the transition with the North Central Fire Protection District](#)

**Action Taken:** Received

- b. [Discussion/Council direction regarding City and Fresno County Fire Protection District service to county islands and areas within the sphere of influence](#)

**Action Taken:** Discussed, Option 5 approved, see minutes

10:05 A.M. #1 **HEARING** to annex Final Tract No. 5232 to the City of Fresno Community Facilities District No. 11, Annexation No. 14 **(Continued to 3/27/07 @ 10:20 A.M.)**

**Action Taken:** Continued as noted

10:05 A.M. #2 **HEARING** to annex Final Tract No. 5503 to the City of Fresno Community Facilities District No. 11, Annexation No. 15 **(Property located in District 5)**

**Action Taken:** Held

- a. [RESOLUTION - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax](#)

**Action Taken:** Resolution No. 2007-90 adopted

- b. [RESOLUTION - Calling special mailed-ballot election](#)

**Action Taken:** Resolution No. 2007-91 adopted

- c. [RESOLUTION - Declaring election results](#)

**Action Taken:** Resolution No. 2007-92 adopted

- d. \* [BILL - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 15](#)

**Action Taken:** Bill No. B-24/Ordinance No. 2007-23 adopted

10:15 A.M.

### **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** City of Fresno v. Raps Fresno LLC., et al.

**Action Taken:** Laid over one week

11:00 A.M.

**HEARING** to annex Final Tract No. 5316 to the City of Fresno Community Facilities District No. 11, Annexation No. 2 **(Property located in District 1)**

**Action Taken:** Held

- a. [RESOLUTION - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax](#)

**Action Taken:** Resolution No. 2007-93 adopted

- b. [RESOLUTION - Calling special mailed-ballot election](#)

**Action Taken:** Resolution No. 2007-94 adopted

- c. [RESOLUTION - Declaring election results](#)

**Action Taken:** Resolution No. 2007-95 adopted

- d. \* [BILL - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 2](#)

**Action Taken:** Bill No. B-25/Ordinance No. 2007-24 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**11:15 A.M.**     **BILL - (For introduction and adoption)** - Consideration of an interim ordinance extending for an additional 120 days the temporary moratorium on the approval of any land use entitlements and special permits for adult bookstores, adult motion picture theaters or adult theaters that the Council initially imposed on November 28, 2006, through its adoption of Ordinance No. 2006-161 and subsequently extended on January 9, 2007, for an additional 60 days through its adoption of Ordinance No. 2007-2 (**Requires 6 affirmative votes**) - Planning and Development Dept.  
**Action Taken:**     **Bill No. B-26/Ordinance No. 2007-25 adopted**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar.	20 -	10:00 A.M.	<b>CONT. HEARING</b> on annexation No. 134, CFD No. 2, Final Tract No. 5312
Mar.	20 -	10:15 A.M.	<b>HEARING</b> on eminent domain, property located at Kings Canyon and Chestnut Avenues
Mar.	20 -	10:30 A.M.	Update on activities and progress of the Fresno County EDC
Mar.	20 -	11:00 A.M.	<b>HEARING</b> on R-06-65, north of N. First/E. Nees Ave, Sequoia-Fresno Jt. Venture
Mar.	27 -	10:00 A.M.#1	<b>CONTINUED HEARING</b> to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth and major street impact fees – Public Works Dept.
Mar.	27	10:00 A.M.#2	<b>CONTINUED HEARING</b> regarding traffic signal impact fees
Mar.	27 -	10:15 A.M.	<b>HEARING</b> re: Approving the formation of UUD No. FRE-69 (Ventura Street betw. "M" St and State Route 99)
Mar.	27	10:20 A.M.	<b>CONT. HEARING</b> to annex Final Tract No. 5232 to CFD No. 11, Annexation No. 14
Mar.	27 -	10:30 A.M.	<b>HEARING</b> re: S-06-287, 4516 N. Chestnut Avenue
Mar.	27 -	2:45 P.M.	<b>HEARING</b> regarding Police, Fire and Parks impact fees
Mar.	27 -	4:00 P.M.	2006 Cycle III Plan Amendments – Planning and Development Dept.
Apr.	3		<b>NO MEETING – EASTER BREAK</b>
Apr.	10 -	10:00 A.M.#1	<b>HEARING</b> re: the vacation of a portion of Yale Avenue west of Weber Avenue – R.I. 1059-D
Apr.	10 -	10:00 A.M.#2	<b>HEARING</b> re: Annexation No. 16, CFD No. 11, Final Tract No. 5482
Apr.	10 -	10:15 A.M.	<b>HEARING</b> to consider the vacation of a portion of the Clinton-Terrace alley east of Blackstone Avenue. (Located in District No. 7)
Apr.	10 -	10:30 A.M.	<b>TEFRA HEARING</b> re: bond issuance for Community Medical Center – Finance Department